IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9085 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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KANJIBHAI BECHARBHAI CHAUHAN & 3 - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR SUNIL C PATEL for Petitioner(s) : 1,None for Petitioner(s) : None for Petitioner No(s).: for Petitioner(s) : 2 - 4.
None for Respondent(s) : 1, 3,
MR VIPUL MISTRY, ASST. GOVERNMENT PLEADER for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 12/04/2007

ORAL JUDGMENT

1. By way of this petition under Article 226 of the Constitution of India, the petitioners have prayed for an appropriate order and/or direction restraining the respondents- authority from conducting the examination till the candidates as shown in the list Annexure “A” to the petition are given actual promotion to the post of Second Grade Head Constable Grade – 2. It is also further prayed to promote the petitioenrs to the post of Second Grade Head Constable Grade – 2, with all consequential benefits.

2. Shri Mistry, learned Assitant Government Pleader has submitted that controversy which has been raised in the present Special Civil Application is squarely covered by the unreported decision in the case of M.H.Ahir v/s. Stated of Gujarat dated 25.02.2000 passed by the learned Single Judge in Special Civil Application No. 141 of 2000. Shri Patel, learned Advocate appearing on behalf of the petitioners is not in a position to dispute the above statement. He is not in a position to distinguish the facts of the present case to that of facts of Special Civil Application No. 141 of 2000.

3. Under the circumstances, and for the reasons stated in the judgment and order dated 25.02.2000 passed in Special Civil Application No. 141 of 2000, present Special Civil Application is dismissed. Rule discharged. No costs.

[M.R.Shah, J.]

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